



MIAMIBEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 16, 2005

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith

City Manager Jorge Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 11:00 a.m.
Inspirational Message and Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

REGULAR AGENDA

Legislation concerning results from the City of Miami Beach's November 15, 2005 General Election.

The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 16, 2005 will be publicly available by 11:00 a.m. on that date.

Note: Either R7A (No Run-off Election needed) or R7B (Run-off Election needed) to be adopted.

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

R7 - Resolutions

R7A1 A Resolution Adopting The Certificates Of The Results Of The November 15, 2005 General Election For The City Of Miami Beach, Adjourning The City Of Miami Beach Canvassing Board For The November 15, 2005 General Election, And Declaring Candidates Elected. (Page)
(City Attorney's Office)

R7A2 A Resolution Electing Commissioner Richard L. Steinberg As Vice-Mayor For A Term Commencing On November 16, 2005, And Terminating On February 28, 2006, Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page)
(City Clerk's Office)

R7B City Of Miami Beach General Election Results And Calling Run-Off Election. (Page)

- 1) A Resolution Adopting The Certificate Of The Results Of The November 15, 2005 General Election For The City Of Miami Beach And Adjourning The City Of Miami Beach Canvassing Board For The November 15, 2005 General Election.
- 2) A Resolution Calling For A Run-Off Election To Be Held On November 29, 2005 In The City Of Miami Beach For The Purpose Of Electing A City Commissioner In Group I; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot; Providing For Absentee Balloting And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.
- 3) Designation Of City Of Miami Beach Canvassing Board For November 29, 2005 Run-Off Election.

(City Attorney's Office)

End of Regular Agenda

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 16, 2005

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ**

**FROM: MURRAY H. DUBBIN *MD*
CITY ATTORNEY**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 15, 2005
CITY OF MIAMI BEACH GENERAL ELECTION AND DECLARING
CANDIDATES ELECTED**

Attached hereto is a Resolution¹ adopting the Certificates of the Results of the November 15, 2005 Miami Beach General Election for the City of Miami Beach, adjourning the City of Miami Beach Canvassing Board for the November 15, 2005 General Election, and declaring candidates elected. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 15, 2005 General Election.

JKO/ed
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¹ Upon receipt and finalization on November 16, 2005 of the Certification of Election Results, same shall be attached to the Resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING
THE CERTIFICATES OF THE RESULTS OF THE
NOVEMBER 15, 2005 GENERAL ELECTION FOR THE CITY
OF MIAMI BEACH, ADJOURNING THE CITY OF MIAMI
BEACH CANVASSING BOARD FOR THE NOVEMBER 15,
2005 GENERAL ELECTION, AND DECLARING
CANDIDATES ELECTED.**

WHEREAS, on October 19, 2005 and November 2, 2005, Circuit Court Judge Henry Leyte-Vidal, Dr. Morris Sunshine, and the City Manager's designee City Clerk Robert Parcher were designated by the Miami Beach City Commission to act as its Canvassing Board representatives regarding the conduct of the November 15, 2005 General Election for the City of Miami Beach; and

WHEREAS, the aforesaid individuals acted as the Canvassing Board for the November 15, 2005 General Election; and

WHEREAS, the candidates for City Commissioner Group I of the City of Miami Beach in the November 15, 2005 General Election have received the number of votes* cast as reflected more specifically within the Certifications of Election attached hereto as Composite "A" and incorporated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 15, 2005 General Election of the City of Miami Beach, it hereby adopts the certificates as to the results of said General Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; be it further resolved that by adoption of this Resolution the City Commission-appointed Committee acting as Canvassing Board for the City of Miami Beach composed of Circuit Court Judge Henry Leyte-Vidal, Dr. Morris Sunshine, and the City Manager's

* Incumbent candidates Mayor David Dermer, Commissioner Saul Gross (Commissioner Group II), and Commissioner Richard L. Steinberg (Commissioner Group III), were unopposed in their respective candidacies as of the end of qualifying, and therefore were not named on the General Election ballot.

designee City Clerk Robert Parcher has discharged its duties for the November 15, 2005 City of Miami Beach General Election and said Committee is hereby adjourned; and be it further resolved that as a result of the City of Miami Beach November 15, 2005 General Election the following candidates for Mayor and City Commissioner Groups I, II and III are hereby declared **elected**:

for Mayor: David Dermer

for City Commissioner Group I:

for City Commissioner Group II: Saul Gross

for City Commissioner Group III: Richard L. Steinberg

PASSED and ADOPTED this 16th day of November, 2005.

MAYOR

ATTEST:

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

11-4-05
Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution electing Commissioner Richard L. Steinberg as Vice-Mayor for a term commencing on November 16, 2005, and terminating on February 28, 2006, or on such date when a new Vice-Mayor is thereafter elected.

Issue:

Shall Commissioner Richard L. Steinberg be elected as Vice-Mayor?

Item Summary/Recommendation:

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor."

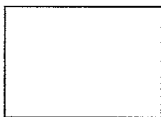
The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor Group is Group I. The term for the next Vice-Mayor is November 16, 2005 through February 28, 2006. Because Group I Commissioner Jose Smith term is limited and a new Commissioner will be elected in Group I, it was decided at the October 19, 2005 Commission meeting to amend the Vice-Mayor rotation order from Group I, II, and III to Group III, II, I, followed by Group IV, V, and VI, then back to the Group I, II, and III order. The Group III Commissioner is Commissioner Steinberg.

Advisory Board Recommendation:

N/A

Financial Information:**Amount to be expended:**

Source of
Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7A2
DATE 11-16-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER RICHARD L. STEINBERG AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 16, 2005, AND TERMINATING ON FEBRUARY 28, 2006, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.**

ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor."

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor Group is Group I. The term for the next Vice-Mayor is November 16, 2005 through February 28, 2006. Because Group I Commissioner Jose Smith term is limited and a new Commissioner will be elected in Group I, it was decided at the October 19, 2005 Commission meeting to amend the Vice-Mayor rotation order from Group I, II, and III, to Group III, II, I, followed by Group IV, V, and VI, then back to the Group I, II, and III order. The Group III Commissioner is Commissioner Steinberg.

JMG/REP

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER RICHARD STEINBERG AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 16, 2005, AND TERMINATING ON FEBRUARY 28, 2006, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.

WHEREAS, pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor," and,

WHEREAS, pursuant to Resolution No. 2005-26043, Commissioner Richard Steinberg, City of Miami Beach elected official in Commission Group III shall serve as Vice Mayor from November 2005 until February 28, 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that Commissioner Richard L. Steinberg is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on November 16, 2005 and terminating on February 28, 2006, or on such date when a new Vice-Mayor is thereafter elected.

PASSED and ADOPTED this 16th day of November, 2005.

MAYOR
David Dermer

ATTEST:

CITY CLERK
Robert Parcher

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



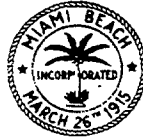
City Attorney
Murray H. Dubbin

Date 11/09/05

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 16, 2005

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ**

FROM: MURRAY H. DUBBIN 
CITY ATTORNEY

**SUBJECT: CITY OF MIAMI BEACH GENERAL ELECTION RESULTS AND CALLING
RUN-OFF ELECTION**

The attached Resolutions formally adopt the certificate of results of the City of Miami Beach November 15, 2005 General Election, adjourn the Canvassing Board for said election, and call for the City of Miami Beach November 29, 2005 Run-Off Election, made necessary as a result of no candidate for Commission Group I from the General Election having received a majority of votes cast. Accordingly, and pursuant to Miami Beach City Charter Section 2.01, a Run-Off Election shall be called for November 29, 2005 between the two candidates for Commission Group I receiving the highest number of votes in the General Election.

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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING
THE CERTIFICATE OF THE RESULTS OF THE
NOVEMBER 15, 2005 GENERAL ELECTION FOR THE CITY
OF MIAMI BEACH AND ADJOURNING THE CITY OF
MIAMI BEACH CANVASSING BOARD FOR THE
NOVEMBER 15, 2005 GENERAL ELECTION.**

WHEREAS, on October 19, 2005 and November 2, 2005, Circuit Court Judge Henry Leyte-Vidal, Dr. Morris Sunshine, and the City Manager's designee City Clerk Robert Parcher were designated by the Miami Beach City Commission to act as its Canvassing Board representatives regarding the conduct of the November 15, 2005 General Election for the City of Miami Beach; and

WHEREAS, the aforesaid individuals were present at the tabulation of the returns of the General Election as duly conducted by the Election Department of Miami-Dade County; and

WHEREAS, the results of the November 15, 2005 General Election have been certified; and

WHEREAS, the candidates for City Commissioner Group I of the City of Miami Beach have received the number of votes cast as reflected more specifically within the Certification of Elections attached hereto as Composite Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 15, 2005 General Election of the City of Miami Beach, it does hereby adopt the certificate as to the results of said General Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; be it further resolved that by adoption of this Resolution, the City Commission-appointed Committee acting as Canvassing Board for the City of Miami Beach composed of Circuit Court Judge Henry Leyte-Vidal, Dr. Morris Sunshine, and the City Manager's designee City Clerk Robert Parcher has discharged its duties for the November 15, 2005 City of Miami Beach General Election and said Committee is hereby adjourned.

PASSED and ADOPTED this 16th day of November, 2005.

ATTEST:

MAYOR

CITY CLERK

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11-4-05

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A RUN-OFF ELECTION TO BE HELD ON NOVEMBER 29, 2005 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A CITY COMMISSIONER IN GROUP I; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Run-Off Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 29, 2005 for the purpose of electing a City Commissioner in Group I,* who shall hold office for the term as provided by law.

SECTION 2

That the appropriate and proper Miami-Dade County election officials shall conduct the said Run-Off Election hereby called, except for acceptance of the certification of the results of said Run-Off Election, which duty shall be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated on the night of said Run-Off Election.

* Mayor David Dermer, Commissioner Saul Gross (Group II) and Commissioner Richard L. Steinberg (Group III), having been unopposed in their respective candidacies as of the end of qualifying, shall be declared elected on November

SECTION 3

That the said voting precincts in the City of said Run-Off Election shall be established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the OFFICIAL REGISTRATION BOOKS show that the said electors reside. Registration of persons desiring to vote in said Run-Off Election shall be in accordance with the general law of the State governing voter registration.

SECTION 4

Notice of said Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida.

SECTION 5

The notice of election shall be substantially in the following form:

"THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF RUN-OFF ELECTION

NOTICE IS HEREBY GIVEN that a Run-Off Election has been called by the City Commission of the City of Miami Beach, Florida, and will be held in said City from 7:00 a.m. until 7:00 p.m. on the 29th day of November, 2005, for the purpose of electing one (1) City Commissioner in Group I who shall hold office for term as provided by law."

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6

That the official ballot to be used in the Run-Off Election to be held on November 29, 2005, hereby called, shall be in substantially the following form, to wit:

30, 2005, subsequent to canvass of election returns from the November 29, 2005 City of Miami Beach Run-Off Election.

"OFFICIAL BALLOT"
RUN-OFF ELECTION
FOR
ELECTING A COMMISSIONER (GROUP I)
OF THE
CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 29, 2005

FOR CITY COMMISSIONER GROUP I

(Insert candidate's name)

(Insert candidate's name)

: :
: :

The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

SECTION 7

That the absentee voters participating in said Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect the absentee voting.

SECTION 8

That the City of Miami Beach shall pay all expenses for conducting this Run-Off Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement

approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 9

This resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this 16th day of November, 2005.

ATTEST:

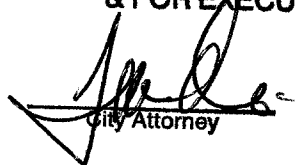
MAYOR

CITY CLERK

JKO/kw

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11-16-05

Date

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 16, 2005

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ**

FROM: MURRAY H. DUBBIN *MD*
CITY ATTORNEY

**SUBJECT: DESIGNATION OF CITY OF MIAMI BEACH CANVASSING BOARD FOR
NOVEMBER 29, 2005 RUN-OFF ELECTION**

In connection with the upcoming November 29, 2005 Run-Off Election, the Mayor and City Commissioners are required to appoint official representatives to serve as the Miami Beach Canvassing Board; upon the recommendation of the City Attorney, it is suggested that this Canvassing Board be composed of Circuit Court Judge Henry Leyte-Vidal, Dr. Morris Sunshine, and the City Manager's designee City Clerk Robert Parcher, said individuals having served as members of the City of Miami Beach Canvassing Board for the November 15, 2005 General Election (which individuals are neither candidates with opposition in the Run-Off Election, or active participants in the campaign or candidacy of any candidate with opposition in said Run-Off Election).

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